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| 09/630,534 | 08/03/2000 | Michael Kahn | MATP-598US | 9590 |
| 23122 | 7590 | 11/03/2005 | EXAMINER | |
| RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980 | | | HUYNH, SON P | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/630,534

Applicant(s)

KAHN, MICHAEL

Examiner

Son P. Huynh

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005 and 08 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>01/09/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/03/2005 has been entered.

Response to Arguments

2. Applicant's arguments filed 09/08/2005 have been fully considered but they are not persuasive.

Applicant argues Gordon et al. does not disclose, teach, or suggest: selecting an incremental time index of a program guide from a plurality of time index fields with a single key (page 7, paragraph 2, lines 14-16). Applicant further argues neither Gordon nor any of the art of record disclose, teach, or suggest multiple time selection fields that may be selected and then activated with a single key to determine a respective time index for incrementing a displayed time of transmission (page 8, paragraph 5, lines 1-5;

Art Unit: 2611

page 9, lines 3-5; page 9, paragraph 2, lines 5-7, paragraph 3, lines 5-7, page 10, lines 4-5).

In response, this argument is respectfully traversed. It is noted that claim 1 does not recites "a single key to determine a respective time index for increasing a displayed time of transmission". In stead, claim 1, as amended, recites "...the apparatus responsive to a user action command corresponding to an action key associated with a user interface" (claim 1, lines 4-5). This limitation is broadly met by Gordon's disclosure of the display responsive to the user action command corresponding to an action key associated with a user interface such as in response to an up arrow key activation, the guide information of next time slots are presented on the guide region (col. 28, line 65-col. 29, line 7).

Claim 1 further recites "placing a plurality of time selection fields on the display". This limitation is broadly met by Gordon's further disclosure of placing day of week identification object (632), next time slots on the display (figures 6, 11A-11C, 13-14).

Claim 1 further recites "selecting one time selection field of the plurality of time selection fields by positioning the cursor on the one time selection field" (lines 13-14). This limitation is broadly met by Gordon's further disclosure of selecting the particular object (i.e., next time slot object) by positioning pointer or cursor/ highlighted, or emphasized on the object (i.e. next time slot object – figure 13, col. 15, lines 7-15; col. 32, lines 10-17).

Claim 1 additionally recites "activating the selected time selection field to determine the selected incremented time index responsive to receipt of the user action

Art Unit: 2611

command while the cursor is positioned on the one time selection field". This limitation is broadly met by Gordon's additionally disclosure of activating the selected time selection field (i.e., time slot object) to determine the selected incremented time index (i.e., ½ hour or 1 and ½ hour responsive to receipt of the user action command of selection time slot object while the pointer or cursor is positioned on the time slot object (i.e. time slot object is highlighted or emphasized (see figures 6, 8C, 11A, 13, col. 15, lines 10-15; col. 28, line 64-col. 29, line 7; col. 32, lines 12-18).

For the reasons given above, rejections on claims 1-17, as amended, are analyzed as discussed below.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 6-8, 12, 16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Gordon et al. (US 6,754,905).

Art Unit: 2611

Regarding claim 1, Gordon discloses the user controls the operation of shifting the emphasis from one "object" to the next through the user of an interactive device such as remote control with directional arrows or other interactive controller with an on-screen pointer or cursor- col. 15, lines 7-15 or highlight/emphasize – col. 32, lines 10-18- Thus, the cursor is met by the pointer, or the cursor or highlighting or emphasizing the object). Gordon's further disclosure of the display responsive to the user action command corresponding to an action key associated with a user interface such as in response to an up arrow key activation, the guide information of next time slots are presented on the guide region (col. 28, line 65-col. 29, line 7) is broadly read on "the apparatus responsive to a user action command corresponding to an action key associated with a user interface" (claim 1, lines 4-5). Thus, Gordon teaches in an apparatus for displaying program guide information and a cursor (pointer/cursor/highlight/emphasize) on a grid showing a channel axis and a time axis, with each program positioned at a location in the grid representing a channel of transmission and a corresponding time of transmission (figure 1) the apparatus responsive to a user action command corresponding to an action key associated with a user interface, a method for rapidly accessing the program guide information at a desired new time of transmission, comprising the steps of:

- (a) displaying the program guide information (figure 11A);
- (b) placing a plurality of time selection fields (placing day of week identification object 631, temporal increment/decrement object 632, next time slot 634 –col. 18, lines 40-44, figure 11A) on the display, the plurality of time selection field representing

Art Unit: 2611

respective incremental time indexes having respectively different magnitudes (next time slot object 634 is incremented by, e.g., 1 ½ hours, day of week identification object 631 is incremented by 1 day – col. 28, line 61-col. 29, line 7);

(c) selecting one time selection field of the plurality of time selection fields by positioning the cursor on the one time selection field (e.g. selecting object 634, object 605A, etc. by highlight/emphasize the object – col. 15, lines 7-15; col. 28, line 61-col. 29, line 7, col. 32, lines 10-18);

(d) activating the selected time selection field to determine the selected incremented time index responsive to receipt of the user action command while the cursor is positioned on the one time selection field (activating the selected time selection field (i.e., time slot object) to determine the selected incremented time index (i.e., ½ hour or 1 and ½ hour responsive to receipt of the user action command of selection time slot object while the pointer or cursor is positioned on the time slot object (i.e. time slot object is highlighted or emphasized (see figures 6, 8C, 11A, 13, col. 15, lines 10-15; col. 28, line 64-col. 29, line 7; col. 32, lines 12-18);

(e) calculating a new time of transmission for display by adding the selected incremental time index to one of the times transmission currently displayed (add 1 ½ hours (3 time slot) or 1 day to time transmission currently display if object 634 or day object 631 respectively activated– figures 8C, 9B and col. 30, lines 53-67; col. 32, lines 10-36);

(f) displaying the program guide information at the new time of transmission (figure 13 if next time slot object is activated once from display of figure 12).

Regarding claim 6, Gordon additionally teaches the apparatus is implemented in a set top box (col. 6, lines 18-35).

Regarding claim 7, Gordon further teaches the apparatus includes a computer coupled to a network for receiving program guide information from the network (e.g. head end provides interactive program guide display— figures 2, 4; col. 4, lines 14-37; col. 6, line 18-col. 7, line 32; col. 11, lines 39-67).

Regarding claim 8, Gordon teaches an apparatus (subscriber side equipment – figure 2) for displaying program guide information and a cursor (see discussion in the rejection of claim 1 above) on a grid showing a channel axis and a time axis, with each program positioned at a location in the grid representing a channel of transmission and a corresponding time of transmission (figure 11A), the apparatus responsive to a user action command corresponding to an action key associated with a user interface (see discussion in the rejection of claim 1 above), the apparatus comprising:

- a display for displaying the program guide information for a current time interval (figures 2, 11A);

- a memory device (276) for storing the program guide information (figure 2, col. 4, lines 55-59; col. 8, lines 46-65);

- a processor (i.e. controller 270) for processing software for accessing the program guide information (figure 2 and col. 7, lines 15-32), the software including:

a plurality of time selection fields for selecting respective incremental time indexes responsive to receipt of the user action command with the cursor positioned on the time selection field of the respective time index to be selected (see discussion in the rejection of claim 1 above), the respective incremental time index having respectively different magnitudes (day of week identification object 631, temporal increment/decrement object 632, next time slot 634 for selecting respectively incremental time indexes, i.e., 1 ½ hours or 1 day , in response to user selecting of the objects—col. 18, lines 40-44, figure 11A, col. 28, line 61-col. 29, line 7);

calculator for calculating a new time of transmission for display by adding the selected incremental time index to a time value in the current time interval (add 1 ½ hours (3 time slot) or 1 day to time transmission currently display if object 634 or day object 631 respectively activated— figures 8C, 9B and col. 30, lines 53-67; col. 32, lines 10-36);

wherein, the display displays the program guide information of the new time of transmission (see figure 13 if next time slot object is activated once from display of figure 12).

Regarding claim 12, Gordon further teaches the time selection fields determine a magnitude of the selected incremental time index (e.g., 1 days if day of week object 631 is selected – col. 29, lines 1-7) and the apparatus further includes first and second direction inputs for selecting an arithmetic sign of the selected incremental time index (col. 30, lines 35-67, figures 11A).

Regarding claim 16, Gordon further teaches assigning a value of at least one of the incremental time index of the respective time selection fields (1 day of incremental time index for day of the week object 631- col. 29, lines 1-7).

Regarding claim 17, the limitations of the apparatus as claimed correspond to the limitations of the method as claimed in claim 16, and are analyzed as discussed with respect to the rejection of claim 16.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 14, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al. (US 6,754,905) as applied to claims 1, 8 above.

Regarding claim 5, Gordon teaches a method as discussed in the rejection of claim 1. However, Gordon does not specifically disclose displaying the program guide information at a latest time of transmission, if the calculated new time of transmission is

Art Unit: 2611

later than the latest time of transmission, the latest time of transmission corresponding to the latest program guide information stored in the apparatus. Official Notice is taken that displaying the latest program guide information stored in the apparatus if the calculated new time is later than the latest time of transmission is well known in the art. For example, the user presses the right arrow on the program guide screen for future program guide information stored in an apparatus until the end of the page (latest program guide stored in the apparatus). The page will stop moving to the end of the page and the program guide information of the last page display even the user keeps pressing the right arrow. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gordon with the well known teaching in the art of displaying the latest program guide information (last page) stored in the apparatus in order to provide most accurate data according to the desired selection.

Regarding claim 14, the limitations of the apparatus as claimed correspond to the limitations of the method as claimed in claim 5, and are analyzed as discussed with respect to the rejection of claim 5.

Regarding claim 15, Gordon further teaches the apparatus is a set top box (col. 6, lines 18-35).

Art Unit: 2611

7. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al. (US 6,754,905) as applied to claim 8, and further in view of Stas et al. (US 6,025,869).

Regarding claim 9, Gordon teaches a method as discussed in the rejection of claim 1. Gordon further discloses the plurality of time selection fields includes a page field (next time slot object 634) (figure 11A). The next time slot object is incremented by, e.g., 1½ hour when the page field is selected (col. 28, line 65-col. 29, line 3). However, Gordon does not specifically disclose the page with 6-hour time index.

Stas teaches page with 6-hour time index (figure 8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gordon and Pezzillo to use the teaching as taught by Stas in order to reduce the number of pages (compare to page with 1 ½ time index) thereby allow user to locate the desired page of program guide information quicker.

Regarding claim 10, Gordon in view of Stas teaches an apparatus as discussed in the rejection of claim 9. Gordon further discloses the plurality of time selection fields includes a day field (object 631), and the selected incremental time index is 24-hour (1day) incremental time index when the day field is selected (figure 9B and col. 29, lines 1-7).

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al. (US 6,754,905) as applied to claim 1, and further in view of Stas et al. (US 6,025,869) as applied to claim 10, and further in view of Pezzillo et al. (US 6,434,621).

Regarding claim 11, Gordon in view of Stas teaches an apparatus as discussed in the rejection of claim 10. Stas further discloses the time selection fields include a date fields (figure 8). However, neither Gordon nor Stas specifically discloses the time index is a seven-day incremental time index.

Pezzillo teaches a date field that adapted to provide a seven-day time index (Sunday column to Saturday column, a seven day incremental time index if the user selects down object on the same column- figure 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gordon and Stas with the teaching of Pezzillo in order to quicker access desired program guide information.

9. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al. (US 6,754,905) as applied to claim 1, and further in view of Pezzillo et al. (US 6,434,621) and Stas et al. (US 6,025,869).

Regarding claim 2, Gordon teaches a method as discussed in the rejection of claim 1. Gordon further discloses the plurality of time selection fields includes a page field (next

Art Unit: 2611

time slot object 634), a day field (631) (figure 11A). The day field is adapted to provide a 24-hour time index (1 day – col. 29, lines 1-7 and figure 9B), the next time slot object is incremented by, e.g., 1 ½ hours (col. 28, line 65-col. 29, line 3). However, Gordon does not specifically disclose a date field that is adapted to provide a seven-day time index; and page with 6-hour time index.

Pezzillo teaches a date field that adapted to provide a seven-day time index (Sunday column to Saturday column- figure 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gordon with the teaching of Pezzillo in order to quicker access desired program guide information. However, neither Gordon nor Pezzillo specifically discloses the page with 6-hour time index.

Stas teaches page with 6-hour time index (figure 8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gordon and Pezzillo to use the teaching as taught by Stas in order to reduce the number of pages (compare to page with 1 ½ time index) thereby allow user to locate the desired page of program guide information quicker.

Regarding claim 3, Gordon in view of Pezzillo and Stas teaches a method as disclosed in the rejection of claim 2. Gordon further teaches determining a magnitude of the selected incremental time index (for example, 1 day for day of week object 631 – figure

Art Unit: 2611

9B and col. 29, lines 1-7), and activating one of first and second direction inputs to determine an arithmetic sign of the selected incremental time index (figure 11A and col. 30, lines 34-67).

10. Claims 4, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al. (US 6,754,905) as applied to claims 1, 8 above, and further in view of Boyer et al. (US 2003/0066085)

Regarding claim 4, Gordon teaches the method as discussed in the rejection of claim 1. However, Gordon does not disclose displaying the program guide information at a current time of transmission, if the calculated new time of transmission is earlier than the current time of transmission.

Boyer discloses the programs in program guide listing 220 may be listed beginning with programs that are currently being broadcast. If desired, the closest time slot to the current time may be displayed (see paragraph 0102). Thus, Boyer teaches displaying the program guide information at a current time of transmission, if the calculated new time of transmission is earlier than the current time of transmission. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gordon to use the teaching as taught by Boyer in order to provide most accurate data to user and maximize memory space utilization.

Art Unit: 2611

Regarding claim 13, the claimed limitations of the apparatus correspond to the claimed limitations of the method in claim 4, and are analyzed as discussed with respect to the rejection of claim 4.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hama et al. (US 6,230,323) discloses television receiver.

Kohno et al. (US 6,462,784) discloses apparatus and method for displaying program contents (EPG).

Ohkura et al. (US 6,347,400) discloses receiving apparatus and display control method.

Croy et al. (US 6,040,829) discloses Personal navigation system.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 8:30-6:00.

Art Unit: 2611

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SPH
October 18, 2005



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